

FILED
Clerk
District Court

MAR 30 2006

For The Northern Mariana Islands
By _____
(Deputy Clerk)

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IN THE UNITED STATES DISTRICT COURT
FOR THE
NORTHERN MARIANA ISLANDS

ALAN STUART MARKOFF, D.D.S.dba
TOOTHWORKS and OPEN CHOICE,

Plaintiff,

vs.

TODD KEITH JOHNSON, D.D.S.

Defendant.

CIVIL ACTION NO. CV-05-0035

**DECLARATION OF
ALAN STUART MARKOFF
IN SUPPORT OF
PLAINTIFF'S OPPOSITION TO
MOTION TO STAY**

Date: April 13, 2006
Time: 9:00 a.m

I, Alan Stuart Markoff, declare that if called as a witness I would truthfully state as follows:

1. I am a Defendant in the above referenced matter.
2. I purchased a dental clinic (Toothworks) and dental insurance company (Open Choice) from Dr. Todd Johnson on or about September 24, 2004.
3. Toothworks and Open Choice are located in Saipan, Commonwealth of the Northern Mariana Islands (CNMI).
4. Sometime in December, 2004, I came to Saipan to formally take-over Toothworks and Open Choice.

1 5. I was in Texas for a total of 58 days in the year 2005 and was in Saipan for 307 days.

2 6. On or about January 11, 2006, I was served with the Summons and Complaint filed
3 by Dr. Johnson in Texas by substituted service.

4 7. Of the witnesses listed by Defendants in this case, Doug Seibert who is the owner of
5 Million Dollar Dental Practices, Inc. and who has knowledge regarding the sale of
6 Toothworks and Open Choice unfortunately had several strokes recently and is in a
7 vegetative state and is consequently unavailable for deposition or court testimony
8 anywhere.

9 8. Progressive Management Consultants from Illinois is the consulting firm which
10 drafted the original sales contract between Dr. Johnson and myself. The contract was
11 later revised by our respective attorneys.

12 9. Most of the witnesses that have relevant information regarding the allegations in my
13 complaint are in Saipan.

14 10. Furthermore, all documents that I will submit as evidence in this case are also in
15 Saipan.

16
17 I declare under penalty of perjury that the foregoing is true and correct and
18 that this Declaration was executed on March 30, 2006, at Garapan, Saipan,
19 Commonwealth of the Northern Mariana Islands.

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ALAN STUART MARKOFF